

1 Honorable Marsha J. Pechman
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 DEREK TUCSON, ROBIN SNYDER,
10 MONSIEREE DE CASTRO, and ERIK
11 MOYA-DELGADO,

12 Plaintiffs,

13 v.
14 CITY OF SEATTLE, ALEXANDER
15 PATTON, TRAVIS JORDAN, DYLAN
16 NELSON, JOHN DOES (#1-4), and JANE
17 DOES (#1-2)

18 Defendants.

No. 2:23-cv-00017-MJP

DECLARATION OF DEREK TUCSON
IN SUPPORT ON MOTION FOR
PRELIMINARY INJUNCTION

18 I, Derek Tucson, declare:

- 19 1. I am over the age of 18 and am competent to testify. I am a Plaintiff in the above
20 captioned matter. I have personal knowledge of the following.
21 2. On January 1, 2021, the defendants arrested me for writing the words “peaceful protest”
22 using ordinary charcoal on the concrete barrier blocking the sidewalk outside of the
23 Seattle Police Department’s East Precinct building. I chose to write the words “peaceful
24 protest” to express a message and hope for systemic change and to create discussion and
25 thought among the public about these principles.

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27 DECLARATION OF DEREK TUCSON IN SUPPORT ON
MOTION FOR PRELIMINARY INJUNCTION - 1

No. 2:23-cv-00017-MJP

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

- 1 3. My message of "peaceful protest" was meant to be seen by police officers and others who
2 were around the East Precinct. My goal was to get both police officers and the public to
3 think about the importance of peaceful protest.
- 4 4. Prior to January 1, 2021, I regularly used sidewalk chalk to write messages of political
5 protest on public sidewalks. I was referred to as "Chalk Guy" by other participants in
6 protests, because I would frequently attend events with a box of chalk.
- 7 5. I was shocked to be arrested for using charcoal to write "peaceful protest" on January 1,
8 2021. As a result of my arrest, I no longer chalked at the local park where messages were
9 regularly chalked in remembrance and appreciation of Summer Taylor, a local protester
10 who was struck and killed by a car. Messages chalked at this temporary memorial
11 included dedications to Seattleites who have lost their lives over the years due to
12 police/state violence and were vital to spreading awareness of these issues in the public
13 forum.
- 14 6. After January 1, 2021, my chalking activity generally ceased and I declined to attend
15 protest actions where messaging was the primary goal.
- 16 7. I maintain a strong commitment to political protest, specifically regarding police
17 violence, among other topics, and I believe that current and future events in the
18 community will call upon me to speak out and do what I believe is right, including
19 peaceful chalking to spread awareness and discussion of political issues. I believe that if
20 events in the future made me feel compelled to use chalk to express a social or political
21 message, I think I would likely be arrested again since I was arrested on January 1, 2021
22 for writing such an innocuous and temporary political message.
- 23 8. If laws were changed and the City were prohibited from arresting, prosecuting, jailing, or
24 retaliating against me for chalking in the future, I would be inclined to resume my
25 political chalking to keep important issues from being swept under the proverbial rug.
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DECLARATION OF DEREK TUCSON IN SUPPORT ON
MOTION FOR PRELIMINARY INJUNCTION - 2

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1 9. In response to this lawsuit, I understand the City recently amended the ordinance I was
2 arrested under. I have reviewed the language of the amended ordinance, which does not
3 alleviate my fear of arrest for chalking.

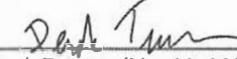
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5 I declare under penalty of perjury of the laws of the United States of America that the
6 foregoing is true and correct.

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8 DATED this 22 day of March, 2023, at Seattle, Washington.

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11 Derek Tucson (Mar 22, 2023 12:03 PDT)

12 Derek Tucson

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DECLARATION OF DEREK TUCSON IN SUPPORT ON MOTION
FOR PRELIMINARY INJUNCTION - 3

No. 2:23-cv-00017-MJP

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

Attorneys for Defendants

Ann Davison
Seattle City Attorney

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Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104

DATED this 23rd day of March, 2023, at Seattle, Washington.

_s/ Lucas Wildner
Lucas Wildner, Legal Assistant

Tucson Declaration

Final Audit Report

2023-03-22

Created:	2023-03-22
By:	Lucas Wildner (lucasw@mhb.com)
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"Tucson Declaration" History

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